

Derek Newton

**Jeff Jordan
Office of General Counsel
Federal Election Commission
999 E. Street, NW
Washington, D.C. 20463**

**ATTN: Alva DeJarnett-Miller
By Overnight Mail
And FAX 202-219-3923**

November 6, 2007

Re: MUR 5936

Federal Election Commission:

In response to your letter received October 30, 2007, I submit the following and again respectfully request that the FEC take no action on MUR 5936.

Thank you for the opportunity to respond, yet again, to Ms. Maxam's fantastic complaints. Since this is not her first complaint on these points, let me begin by referencing the attached initial response to Ms. Maxam dated October 14 of this year.

In the October 14th letter, I offered my best efforts to illuminate Ms. Maxam's obsession with Mr. Schiavo, filter through her allegations and respond. Leaving her history and motives to speak for themselves in that letter, I will attempt to parse out what may be new allegations raised by Ms. Maxam in her latest complaint.

Ms. Maxam alleges that On-Time Fundraiser was dissolved by the State of Florida for about five weeks in 2006. Honestly, I am not sure if this is accurate or not but submit it is not relevant in the slightest. On-Time Fundraiser was contracted by TerriPAC to provide a service – namely collect and process on-line contributions and related database work.

It is not the responsibility of TerriPAC to know or supervise the corporate status of those we pay for services. At worst, this is an issue for the Florida State Division of Corporations – not the Federal Elections Commission.

In reality, it's nothing. What would Ms. Maxam ask the FEC to do if, for example, TerriPAC paid a sole-proprietorship which, by law, does not need to file with a state agency at all? Or if TerriPAC contracted with a corporation registered overseas?

For Ms. Maxam to allege that TerriPAC's payments to On-Time Fundraiser constitute "fraud" is inflammatory and untrue.

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Moving on, Ms. Maxam's September 11th letter attempts to make a series allegations that TerriPAC misrepresented itself in published statements. Even if this were true, what a PAC sends to supporters is irrelevant. But the allegation Ms. Maxam attempt to manufacture here is once again untrue.

What is true is that Ms. Maxam does not understand the difference between itemized contributions and the smaller, aggregate totals listed in FEC reports as "un-itemized."

If Ms. Maxam understood the difference between itemized receipts and un-itemized ones or the difference between raising tens of thousands of dollars and tens of thousands of donors, she would see that even our public email newsletters were 100% accurate.

Further in her September 11th letter, Ms. Maxam alleges that payments made to Danielle Black were some sort of violation of Florida laws as "in-kind" donations to Jim Davis's campaign for Florida Governor.

Ms. Maxam is attempting to waste this Commission's time by filing an allegation she knows is untrue. She knows it's untrue because more than a year ago Ms. Maxam filed a complaint on this point with the Florida Division of Elections – a more appropriate venue to address a violation of state law. But to date, no finding of impropriety or even probable cause has been found by the state.

She offers no proof of this claim whatsoever and no such finding has been made at the state level because no violation occurred. In case there is any confusion at all, the limited clerical work Danielle Black did for TerriPAC was not for any candidate – let alone any federal candidate – just as our report indicated.

Further in her September 11th letter, Ms. Maxam again asks the FEC to compel TerriPAC and/or myself to "show the purpose of" consulting fees – as she has done with polling expenses, DVD production and other common and rather obvious expenditures. As is not up to Ms. Maxam to approve how TerriPAC spends its money and nether TerriPAC nor I need to provide any further definition to Ms. Maxam about these expenditures.

Moreover, how would Ms. Maxam propose anyone "show the purpose of" consulting fees? They are for fees charged for consulting. What other purpose could they have?

As for my personal address being listed as the address of TerriPAC Florida – again a Florida state PAC that conducted zero federal campaign activity – the explanation is simple: Florida political committees, unlike federal ones, require a physical address for a registered agent. I was the registered agent and I provided my physical address as required by law.

Candidly, I am not sure what this proves except that TerriPAC Florida – the state PAC – followed state law.

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Further in her Sept. 11th complaint, however, Ms. Maxam feels compelled to inform this Commission that I lease my private residence, who the owner is and what the value is. This information is way beyond irrelevant; it's textbook harassment and proves once again that this is Ms. Maxam's true motive.

I am not sure if sanctions or fines are even available to be levied against Ms. Maxam for her lengthy litany of absurd, irrelevant and harassing charges, but both are appropriate.

As referenced in my previous response, please know that I am in the process of voluntarily amending a report to the FEC to clarify a \$60 discrepancy when TerriPAC began filing electronically as we required by the FEC. And we are examining the possibility that this may have impacted future balance calculations. I would like to be clear, however, that if discrepancies in any of our financial reports exist, we will be happy to work with The Commission staff to file any required amendments.

Furthermore, if requested, we will be happy to enter into any "conciliation" process you feel may be appropriate to fully and completely cooperate and disclose any needed or otherwise unclear information.

In closing, please allow me to restate a section from my letter of October 14th:

Anything short of a clear dismissal of these baseless charges will do damage and provide Ms. Maxam exactly what she seeks – an "investigation" which she can use as the tortured basis for more attacks and baseless complaints.

I ask again that you not reward Ms. Maxam's politically motivated lunacy or waste the Commissions scarce resources by taking further action on MUR 5936.

Thank you for your time, attention and thorough review of this matter. Should you have any questions, please contact me.

With regards,



Derek Newton

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